

## MINUTE ORDER

CASE NUMBER: CIVIL NO. 16-00659 LEK-WRP

CASE NAME: Gerard K. Puana et al., Katherine P. Kealoha et al.,

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JUDGE: Leslie E. Kobayashi

DATE: 05/12/2021

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COURT ACTION: EO: COURT ORDER RULING ON MOTIONS FILED BETWEEN APRIL 28, 2021 AND MAY 5, 2021

On April 12, 2021, Defendant City and County of Honolulu (“the City”) filed its Motion to Dismiss First Amended Complaint Filed on September 3, 2020 (“Motion to Dismiss”). [Dkt. no. 136.] On April 28, 2021, Defendant Minh-Hung “Bobby” Nguyen filed his substantive joinder to the Motion to Dismiss. [Dkt. no. 147.] On April 28, 2021 Plaintiffs Gerard K. Puana and Ricky L. Hartsell as Trustee of the Florence M. Puana Trust (“Plaintiffs”) filed a document that is both their memorandum in opposition to the Motion to Dismiss and their cross-motion for partial summary judgment (“Cross-Motion for Partial Summary Judgment”). [Dkt. no. 148.]

The parties are hereby informed that the Motion to Dismiss is GRANTED IN PART and DENIED IN PART. It is granted to the extent that the First Amended Complaint is dismissed, however, Plaintiffs will have leave to file a second amended complaint. An order will be issued ruling on the Motion to Dismiss that will supersede this entering order.

Because Plaintiffs’ First Amended Complaint is dismissed with leave to file a second amended complaint, the Cross-Motion for Partial Summary Judgment is DENIED AS MOOT WITHOUT PREJUDICE to the filing of a motion for full or partial summary judgment on the second amended complaint. Likewise DENIED AS MOOT are the City’s: 1) Motion to Strike Plaintiffs’ Cross-Motion for Partial Summary Judgment, or in the Alternative, for an Extension of Time; [filed 5/3/21 (dkt. no. 154);] and 2) *Ex Parte* Application to Shorten Time for Hearing of Defendant City and County of Honolulu’s Motion to Strike Plaintiff’s Cross Motion for Partial Summary Judgment, or in the Alternative, for an Extension of Time, [filed 5/3/21 (dkt. no. 155)]. The City’s *Ex Parte* Motion for Leave to Exceed Page Limit for Its Reply in Support of Its Motion to Dismiss First Amended Complaint Filed on September 3, 2020, [filed 5/5/21 (dkt. no. 158),] is GRANTED. This entering order does not otherwise affect the briefing schedule issued for the Motion to Dismiss. The City filed its reply in support of the Motion to Dismiss on

May 5, 2021. [Dkt. no. 157.] No further briefing will be permitted regarding the Motion to Dismiss.

IT IS SO ORDERED.

Submitted by: Agalelei Elkington, Courtroom Manager